APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,786	01/05/2001	Joseph L. Hellerstein	YOR920000318US1	5258

7590   12/09/2003

William E. Lewis
RYAN, MASON & LEWIS, LLP
90 Forest Avenue
Locust Valley, NY 11560

EXAMINER
CHOW, CHIH CHING

ART UNIT	PAPER NUMBER
2122	4

DATE MAILED: 12/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/755,786	HELLERSTEIN ET AL.
	Examiner	Art Unit	
	Chih-Ching Chow	2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _05 January 2001 and 24 May 2001_.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-22_ is/are pending in the application.
  4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-22_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on _24 May 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.
  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  a)☐ All b)☐ Some * c)☐ None of:
  1.☐ Certified copies of the priority documents have been received.
  2.☐ Certified copies of the priority documents have been received in Application No. _____.
  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
  * See the attached detailed Office action for a list of the certified copies not received.
13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  a) ☐ The translation of the foreign language provisional application has been received.
14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _3_.
4)☐ Interview Summary (PTO-413) Paper No(s). _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

2.   Claims 1,9, 10, 18 - 22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over IBM "New Features in Tivoli Software Distribution 3.6" (IBM Redbook

SG24-2045-00, www.redbooks.ibm.com), by Stefan Uelpenich, Michael Brokmann,

Martin Hennings, Pieter Kestelyn, Ashok Vats, and Robert Wasser published on 1998

(Uelpenich herein after), as applied to claims above, further in view of U.S. Patent No.

5,581,764 by Fitzgerald, and further in view of Publication No. US 6,199,204 by

Donohue.

Claims	Uelpenich / Fitzgerald / Donohue
1. A computer-based method of performing automated distribution of a software package to one or more target machines in one or more regions of a distributed network of target machines, the method comprising the steps of: (a) preparing a base software package for each of the one or more regions based on at least one of:	Uelpenich (IBM Tivoli Software Distribution System 3.6) has taught us a means of managing and distributing software across a multi-platform network. On page 260, Figure 190, it shows a software distribution system sending software from a **service Distribution server** (corporate headquarter), distribute to one or more than one regions (**region server**/Regional Offices), then

disseminate to one or more than one **target machines** (Branch Offices). Basically the Tivoli system distributes the software package to each of the candidate regions, then each region would based on the predefined "policies" to customize each of the target machines then disseminate the software to the target machines.

(i) policy data indicating which of the one or more regions are candidates for receiving the software package,

Uelpenich doesn't show specifically a "policy data" indicating which of the one or more than one regions are candidates for receiving the software package. In Fitzgerald's "Brief Summary Text", "This standardization limits the policy adminstrators' ability to control individual user access to the only appropriate applications as well as users' ability to customize their individual desktops. Another similar alternative uses a **rules-based** approach to the grouping of desktops. For example, desktops could be divided into groups, and rules could be imposed which **assign one set of resources to one group** and **another set of resources to another group**. The rule-based limitation limits the 'which of the one or more regions are candidates for receiving the software package'. It would have been obvious to a person of the ordinary skill in the art at the time of the invention to modify Uelpenich's system with the sign-in limitation feature for the same reason it is taught by Fitzgerald, to ensure that the software installation is done in policy based manner, see references above.

(ii) dependency information indicating requisites for a service provided by the software package, and

Uelpenich teaches the dependency information at the "IBM Tivoli Software Distributed System 3.6", page 223, section 9.6 'What Are Dependencies?', first paragraph, "In some cases it is

necessary also to download shared libraries, massage catalogs or other files that are needed to execute the method at the LCF endpoint (Tivoli Management Agent). To guarantee that these files are available on the endpoint at run time they have to be specified in a **dependency file list**. The dependency file list is downloaded together with the method and is compared by the LCF endpoint against its local cache." But Uelpenich does not specifically mention the 'pre-requisite' for installing new software. In Donohue's column 5, lines 17-19, "An updater component according to the invention preferably includes means for checking whether **pre-requisite** products are available..." It would have been obvious to a person of the ordinary skill in the art at the time of the invention to modify Uelpenich's system with the feature of checking the pre-requisite products before installing new software for the same reason it is taught by Donohue, in order to avoid the user to deal with the unsynchronized software version when updating a software program, see references above.

| (iii) configuration information for each of the candidate regions; | Uelpenich teaches the configuration information for the candidate regions at the "IBM Tivoli Software Distributed System 3.6", page 43, section 2.5.2 Policies in the LCF Environment, "Most of the TME (Tivoli Management Environment) applications have their own policies when they are installed. ...The following policies are available after the installation:
• allow_install_policy
• after_install_policy
• select_gateway_policy
• login_policy |

These policies can be used to customize the interaction between Tivoli Management Agents, gateways and endpoint managers." Basically, these policies are used for endpoint (target machines) configuration; therefore they are the same as recited in claim 1 (a) (iii).

(b) distributing the base software package to each of the candidate regions of the distributed network;

See the rejection of claim 1 (a).

(c) customizing the base software package received at each of the candidate regions based on at least one of : (i) regional distribution policies, (ii) dependency information specific to one or more roles performed by the target machines in that region, and (iii) individual target machine configuration information; and

See the rejection of claim 1 (a).

(d) distributing the software package customized in each of the candidate regions to at least one of the target machines in the candidate regions of the distributed network.

See the rejection of claim 1 (a).

9. The method of claim 1, wherein the individual target machine configuration information used to customize the base software package received at a candidate region is one of stored prior to use and determined at the time of use.

For the features of claim 1 see Uelpenich, Fitzgerald, and Donohue. In Uelpenich's page 44, figure 37(IBM Tivoli Software Distribution System 3.6) shows an example of a login process for a target machine. The information used to customize the base software package has received prior to use and determined at the time of use.

10. A system for performing automated distribution of a software package to one or more target machines in one or more regions of a distributed network of target machines, the system comprising:

See the rejection of claim 1.

(a) a service distribution server, the service distribution server being operative to : (i) prepare a base software package for each of the one or more regions based on at least one of policy data indicating which of the one or more regions are candidates for receiving the software package, dependency information indicating requisites for a service provided by the software package, and configuration information for each of the candidate regions; and (ii) distribute the base software package to each of the candidate regions of the distributed network; and

(b) one or more region servers, each of the region servers being operative to: (i) customize the base software package, when received, based on at least one of regional distribution policies, dependency information specific to one or more roles performed by the target machines in the region of the region server, and individual target machine configuration information; and (ii) distribute the customized software package to at least one of the target machines in the region of the region server.

18. The system of claim 10, wherein each region server is further operative to one of maintain the individual target machine configuration information used to customize the base software package prior to use and determine the information at the time of use.	For the features of claim 10 see Uelpenich, Fitzgerald, and Donohue. For the rest of claim 18, see the rejection of claim 9.
19. The system of claim 10, further comprising one or more repositories for storing the policy data indicating which of the one or more regions are candidates for receiving the software package, the dependency information indicating requisites for a service provided by the	For the features of claim 10 see Uelpenich, Fitzgerald, and Donohue. For the rest of claim 19 see the rejection of claim 1 (a).

software package, and the configuration information for each of the candidate regions.

20. The system of claim 10, further comprising one or more repositories for storing the regional distribution policies, the dependency information specific to one or more roles performed by the target machines in the region of the region server, and the individual target machine configuration information.	For the features of claim 10 see Uelpenich, Fitzgerald, and Donohue. For the rest of claim 20 see the rejection of claim 1 (a).
21. An article of manufacture for performing automated distribution of a software package, in accordance with a service distribution server, to one or more target machines in one or more regions of a distributed network of target machines, the article comprising a machine readable medium containing one or more programs which when executed implement the steps of:	Uelpenich's page 260, Figure 190, the middle of the figure shows Regional Offices, each of them is functioning as a 'region server', the Branch Offices is the same as 'target machines'. Each of the regional office, TMR (Tivoli Management Regions), has to have a machine **readable medium** for program to execute the receiving/sending of the software package; as mentioned in Uelpenich page 273, second paragraph, "The resources of the TMR server, such as **memory, swap space, disk space, CPU and available TCP/IP file descriptors**, are used for the management of the clients that are installed into the TMR."
(a) preparing a base software package for each of the one or more regions based on at least one of: (i) policy data indicating which of the one or more regions are candidates for receiving the software package, (ii) dependency information indicating requisites for a service provided by the software package, and (iii) configuration information for each of the candidate regions; and	See the rejection of claim 1.
(b) distributing the base software package to each of the candidate regions of the distributed network for subsequent	See the rejection of claim 1.

customization of the base software
package received at each of the
candidate regions based on at least one
of regional distribution policies,
dependency information specific to one or
more roles performed by the target
machines in that region, and individual
target machine machines in that region,
and individual target machine
configuration information; and for
subsequent distribution of the software
package customized in each of the
candidate regions to at least one of the
target machines in the candidate regions
of the distributed network.

22. An article of manufacture for performing automated distribution of a software package, in accordance with a region server, to one or more target machines in a region of a distributed network of target machines having one or more regions, the article comprising a machine readable medium containing one or more programs which when executed implement the steps of:	See the rejection of claim 21.
(a) obtaining a base software package prepared for the region associated with the regions sever based on at least one of policy data indicating which of the one or more regions are candidates for receiving the software package, dependency information indicating requisites for a service provided by the software package, and configuration information for the region associated with the region server;	See the rejection of claim 1.
(b) customizing the obtained base software package based on at least one of regional distribution policies, dependency information specific to one or more roles performed by the target machines in the region associated with the region server, and individual target	See the rejection of claim 1.

machine configuration information; and   See the rejection of claim 1.
  (c) distributing of the customized
software package to at least one of the
target machines in the region associated
with the region server.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 2, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over

IBM "New Features in Tivoli Software Distribution 3.6" (IBM Redbook SG24-2045-00,

www.redbooks.ibm.com), by Stefan Uelpenich, Michael Brokmann, Martin Hennings,

Pieter Kestelyn, Ashok Vats, and Robert Wasser published on 1998 (Uelpenich herein

after), as applied to claims above, further in view of U.S. Patent No. 5,581,764 by

Fitzgerald, further in view of U.S. Patent No. 6,199,204 by Donohue, and further in view

of Publication No. US 2002/0133814 A1 by Bourke-Dunphy et al. (Bourke-Dunphy

herein after).

Claims	Uelpenrich / Fitzgerald / Donohue / Bourke-Dunphy
2. The method of claim 1, wherein the	For the features of claim 1 see Uelpenich,

dependency information indicating requisites for a service provided by the software package comprises at least one of a pre-requisite, and ex-requisite and a co-requisite associated with installation of the software package on a target machine.

Fitzgerald, and Donohue. Uelpenich and Donohue teach checking the dependency information before installing software but don't specifically mention the 'ex-requisite', and 'co-requisite' software packages. However, Bourke-Dunphy teaches using further dependency information in an analogous art for the purpose of facilitating the installation of selected components and to avoid intermediate exit of the installation process to fix interdependency issue (see Bourke-Dunphy's BACKGROUND). In Bourke-Dunphy's Abstract, 'An installation procedure is determined based on **dependency requirements** for components that are selected for installation." In paragraph [0060], "Upon accepting the displayed component dependency list 232 for the software being installed, the system may generate an installation order user interface 250, such as shown in Fig. 6. the installation order user interface 250 displays a **step-by-step installation procedure** 252, identifying the order and sequence in which each component should be installed." In paragraph [0024], "The dependency engine 14 may access dependency data 16 that defines the interdependencies for the set of components associated with the given installation. By way of example, the dependency data 16 may be organized in the form of **hierarchal tree structure**, in which each **component** requires concurrent installation of all higher-level components that connect that component to the base level of the tree." Bourke-Dunphy shows the 'step-by-step' installation and a tree structured dependencies, basically it covers the 'pre-requisite, ex-requisite, and a co-requisite' dependencies. It would have been

obvious to a person of the ordinary skill in the art at the time of the invention to modify Uelpenich/Fitzgerald/Donohue's system with the step-by-step installation feature for the same reason it is taught by Bourke-Dunphy, to mitigate installation errors and to facilitate the installation of selected components, see references above.

11. The system of claim 10, wherein the dependency information indicating requisites for a service provided by the software package comprises at least one of a pre-requisite, an ex-requisite and a co-requisite associated with installation of the software package on a target machine.

For the features of claim 10 see Uelpenich, Fitzgerald, and Donohue. For the rest of the claim 11, see the rejection of claim 2.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 3, 4, 8, 12, 13, 17 are rejected under 35 U.S.C. 103(a) as being

unpatentable over IBM "New Features in Tivoli Software Distribution 3.6" (IBM Redbook

SG24-2045-00, www.redbooks.ibm.com), by Stefan Uelpenich, Michael Brokmann,

Martin Hennings, Pieter Kestelyn, Ashok Vats, and Robert Wasser published on 1998

(Uelpenich herein after), as applied to claims above, further in view of U.S. Patent No.

5,581,764 by Fitzgerald, further in view of U.S. Patent No. 6,199, 204 by Donohue,

further in view of Publication No. US 2002/0133814 A1 by Bourke-Dunphy et al.

(Bourke-Dunphy herein after), and further in view of U.S. publication 2002/0144248 A1

by Forbes.

Claims	Uelpenich / Fitzgerald / Donohue / Bourke-Dunphy / Forbes
3. The method of claim 1, wherein the dependency information indicating requisites for service provided by the software package is represented In the form of a multi-level tree.	For the features of claim 1 see Uelpenich, Fitzgerald, and Donohue. The dependency is represented as a multi-level tree structure is mentioned in Bourke-Dunphy (see rejection of claim 2). Forbes further describes the dependency in his invention, paragraph [0043], "The manifest file 207 provides the ability to **describe the software dependencies in a recursive tree format**, also known as a 'directed graph'." Uelpenich teaches the dependency information for software components but does not mention the dependency in a multi-level tree, however both Bourke-Dunphy and Forbes has taught us the method of constructing a **multi-level tree** to illustrate software dependencies, **each of the tree leaves represents a software components** within the system in an analogous art for the purpose of resolving all the interdependencies of the software components before installation (implied in Forbe's SUMMARY OF THE INVENTION). It would have been obvious to a person of the ordinary skill in the art at the time of the invention to modify Uelpenich/Fitzgerald/Donohue's system

	with a multi-level tree structure to represent the dependency of the software components, for the same reason it is taught by Forbes, to avoid intermediate exit the installation process to fix interdependency issue, see references above.
4. The method of claim 3, wherein one or more leaves of the tree represent one or more software components.	See the rejection of claim 3, above.
8. The method of claim 1, further comprising the step of maintaining a policy repository indicating steps needed to construct distributable component packages for different regions and different end user environments.	For the features of claim 1 see Uelpenich, Fitzgerald, and Donohue. For the rest of claim 8, see the rejection of claim 1 (a) (iii) and claim 2.
12. The system of claim 10, wherein the dependency information indicating requisites for a service provided by the software package is represented in the form of a multi-level tree.	For the features of claim 10 see Uelpenich, Fitzgerald, and Donohue. For the rest of claim 12, see the rejection of claim 3.
13. The system of claim 12, wherein one or more leaves of the tree represent one or more software components.	For the features of claim 12 see Uelpenich, Fitzgerald, and Donohue. For the rest part see the rejection of claim 3.
17. The system of claim 10, further comprising a policy repository for indicating steps needed to construct distributable component packages for different regions and different end user environments.	For the features of claim 10 see Uelpenich, Fitzgerald, and Donohue. For the rest of claim 17, see the rejection of claim 2 and 3.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 5, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

IBM "New Features in Tivoli Software Distribution 3.6" (IBM Redbook SG24-2045-00,

www.redbooks.ibm.com), by Stefan Uelpenich, Michael Brokmann, Martin Hennings,

Pieter Kestelyn, Ashok Vats, and Robert Wasser published on 1998 (Uelpenich herein

after), as applied to claims above, further in view of U.S. Patent No. 5,581,764 by

Fitzgerald, further in view of U.S. Patent No. 6,199, 204 by Donohue, and further in view

of U.S. Patent No. 6,484,247 by Gendron et al. (Gendron herein after).

Claims	Uelpenich / Fitzgerald / Donohue / Gendron
5. The method of claim 1, wherein the one or more roles performed by the target machines in the region comprise a client role, a server role and a standalone role.	For the features of claim 1 see Uelpenich, Fitzgerald, and Donohue. Uelpenich teaches distribute the software package within a software network, but does not specifically mention the node roles. However, Gendron has mentioned the roles in his invention in an analogous art for the purpose of so the node would have specific capability of storing and retrieving objects (implied from Gendron's DETAILED DESCRIPTION). In Gendron, column 6, line 4-6, "Network 104 may contain any combination of **client** and **server** system. Alternatively, nodes 101-103 may be **standalone** systems." Gendron teaches that any node in a network is a client, a server or a standalone node. It would have been obvious to a person of the ordinary skill in the art at the time of the invention to

	modify Uelpenich/Fitzgerald/Donohue 's system with giving the role to each of the node within the network, for the same reason it is taught by Gendron's, to clearly specify the function (role) of each node.
14. The system of claim 10, wherein the one or more roles performed by the target machines in a region comprise a client role, a server role and a standalone role.	For the features of claim 10 see Uelpenich, Fitzgerald, and Donohue. For the rest of claim 14 see the rejection of claim 5.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10.   Claims 6, 7, 15, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable

over IBM "New Features in Tivoli Software Distribution 3.6" (IBM Redbook SG24-2045-

00, www.redbooks.ibm.com), by Stefan Uelpenich, Michael Brokmann, Martin

Hennings, Pieter Kestelyn, Ashok Vats, and Robert Wasser published on 1998

(Uelpenich herein after), as applied to claims above, further in view of U.S. Patent No.

5,581,764 by Fitzgerald, further in view of U.S. Patent No. 6,199,204 by Donohue, and

further in view of U.S. Patent No. 5,960,189 by Stupek.

Claims	**Uelpenich / Fitzgerald / Donohue /**

Stupek

6. The method of claim 1, further comprising the step of also permitting manual control over the installation of the software package on a target machine.

For the features of claim 1 see Uelpenich, Fitzgerald, and Donohue. Uelpenich teaches distributing software package through a network automatically, but Uelpenich/Fitzgerald/Donohue does not permit manual control over the installation of the software package. Stupek teaches a method for use in a software installation system in an analogous art for the purpose of allowing the user to determine whether an installation is necessary or appropriate. Stupek shows the function of "**automatically determining, or displaying to a user** at least some of the upgrade information **to aid the user in determining**, whether to perform an upgrade." (See Stupek's Abstract). It would have been obvious to a person of the ordinary skill in the art at the time of the invention to modify Uelpenich/Fitzgerald/Donohue's system with the manual control feature for the same reason it is taught by Stupek, to allow the user to determine with accuracy the benefits of an installation, see references above.

7. The method of claim 6, wherein manual control over the installation of the software package on a target machine is effectuated by setting a flag.

For the features of claim 6 see Uelpenich, Fitzgerald, Donohue and Stupek.
The flag setting is implementation detail; it can't be counted as an allowable claim.

15. The system of claim 10, wherein the installation of the software package on a target machine may also be manually controlled.

For the features of claim 10 see Uelpenich, Fitzgerald, and Donohue. For the rest of claim 15, see the rejection of claim 6.

16. The system of claim 15, wherein manual control over the installation of the software package on a target machine is effectuated by setting a flag.

For the features of claim 15 see Uelpenich, Fitzgerald, Donohue and Stupek. For the rest of claim 16, see the rejection of Claim 7.

Conclusion

The following summarizes the status o f the claims:

103 rejections: claims 1-22.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Ching Chow whose telephone number is 703-305-7205. The examiner can normally be reached on 6:30am to 3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q Dam can be reached on 703-305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-308-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Chih-Ching Chow
Examiner
Art Unit 2122

CC

JOHN CHAVIS
PATENT EXAMINER
ART UNIT 2124